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Interpretations and Regulations
for the
Administration of the Beauty
Culture Law

BULLETIN 605
1947

Law # 609

Commonwealth of Pennsylvania
DEPARTMENT OF PUBLIC INSTRUCTION
Bureau of Professional Licensing
Harrisburg





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Administration of the Beauty
Culture Law



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Commonwealth of Pennsylvania
DEPARTMENT OF PUBLIC INSTRUCTION
Bureau of Professional Licensing
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FOREWORD

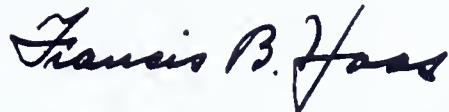
The Beauty Culture Act of May 3, 1933, P. L. 242, was enacted to elevate the business and to protect both the public and those legitimately engaged in the practice. Section 11 of the Act reads as follows:

"The Department shall prescribe reasonable rules for its conduct, and for the qualifications, registration and examination of applicants to practice or teach beauty culture, and for the registration of apprentices, teachers, students and managers of beauty shops or schools of beauty culture, and for temporary licenses to be issued at the discretion of the Department, and generally for the conduct of persons, co-partnerships, associations, or corporations affected by this Act. Rules established by the Department shall be printed and supplied to applicants and license holders."

In accordance with the authority as above set forth, the Department of Public Instruction has formulated from time to time rules and regulations indicating the proper interpretation of the beauty culture law and the manner in which beauty culture should be practiced. These rules and regulations have been compiled after shop owners, beauty culture schools, and all other types of beauty culture interests have been freely consulted. Beauty culture schools are urged to instruct their students and beauty culture shops are urged to instruct their apprentices diligently in these rules and regulations as well as in the beauty culture law.

It is hoped that this bulletin which contains a copy of the beauty culture law as amended to date and the rules and regulations promulgated thereunder, will furnish legal guidance for the proper conduct of beauty culture practice.

December, 1947

A handwritten signature in dark ink, reading "Francis B. Hoas". The signature is written in a cursive style with a large, stylized initial 'F' and 'H'.

Superintendent of Public Instruction

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INTERPRETATIONS and REGULATIONS
of the
DEPARTMENT OF PUBLIC INSTRUCTION
for the
ADMINISTRATION OF THE BEAUTY
CULTURE LAW

I. TYPES OF LICENSES

The licenses issued under the Beauty Culture Act are classified as follows:

Teacher's License
Manager's License
Operator's License
Manicurist's License

and

Shop Owner's License
License to Conduct a School

Any individual holding a Teacher's License shall, without further licensure, be deemed qualified to perform any of the functions of a teacher, an operator or a manicurist, subject to all the terms and conditions hereinafter set forth.

Anyone holding a Teacher's License may, without further examination, receive a letter of authority to serve as manager of a shop upon request to the Department.

In like manner, any individual holding a Manager's License shall, without further licensure, be deemed qualified to perform the duties of a shop manager, an operator or a manicurist.

Any holder of an Operator's License shall, without further licensure, be deemed qualified to perform any of the functions or render any of the services of a beauty culture operator including manicuring.

A Manicurist's License limits the holder to the performance of manicuring service only, which includes similar service to the nails of the toes.

Every place used or maintained for the practice or teaching of beauty culture for compensation, and every person practicing or teaching beauty culture, must obtain a certificate of registration, or license, from the Department of Public Instruction. A separate license is required for each shop and school.

Shop and school licenses are valid *only for the location named in the license*, and are *not transferable*. Owners must immediately notify the Department in writing of the sale or transfer or change in ownership of a shop or school.

No license, temporary permit, or other authorization to teach, manage, operate, or demonstrate in any of the branches of Beauty Culture shall be valid unless it is issued by the Department.

Every holder of a license issued by the Department shall display said license in a conspicuous place, in the place of business, or place of employment of said holder. No registered shop or school shall employ anyone not licensed by this Department, and no licensed operator shall work in an unlicensed shop, under penalty of revocation of license.

Licensees should immediately notify the Department as to a lost or misplaced license. An affidavit must be submitted to verify the loss of license.

All registrations and licenses expire on January 31 and may be renewed by application on proper form made prior to that date and by payment of renewal fee.

A copy of the rules and regulations furnished by the Department should be kept in each establishment at all times. Each licensed operator shall have his or her copy of these rules and regulations available at all times at his or her place of employment.

Failure to comply with the rules and regulations of the Department shall be cause for the suspension or revocation of licenses.

Temporary Permits

Temporary Permits are issued to applicants who are eligible for admission to a beauty culture operator's or manicurist's examination, upon payment of the required fee. Upon the basis of these permits, persons may practice until the results of the next examination are determined. A second Temporary Permit may be issued to an applicant failing either the practical or theoretical portion of the examination. No second Temporary Permit shall be issued to an applicant who has failed both portions of the examination. No more than two Temporary Permits will be issued to any person.

II. METHODS OF SECURING LICENSES

Licenses for any of the four types of beauty operation can be obtained in Pennsylvania by examination only.

Persons may qualify for an operator's examination in one of the following four ways:

1. Two years of active practice prior to filing application, or
2. A term of preparation in a *registered* day school of beauty culture covering 1,000 hours over a period of not less than six months, or
3. A term of preparation in a *registered* night school of beauty culture covering 1,000 hours over a period of not less than twelve months, or

4. Two years of apprenticeship in this State in a beauty shop where the owner of the shop holds a teacher's certificate and there are no less than two operators for each apprentice and no more than two apprentices, and provided such shop is not held out as a school of beauty culture.

Applicants for manager's and teacher's examinations must have served eighteen months as a licensed operator in Pennsylvania or must have pursued 500 additional hours in schooling beyond those required for an operator's examination. A licensed operator who qualified for her operator's license by practice may not combine schooling with practice to qualify for the teacher's or manager's examination.

Admission to a manicurist's examination requires a term of preparation in a registered school of beauty culture of at least 125 hours of instruction in manicuring covering a period of not less than one month.

Examinations are held on the third Tuesday of January, April, July, and October in the cities of Philadelphia, Pittsburgh, Wilkes-Barre, Harrisburg, and Erie.

Applications for admission to any examination must be properly completed and on file in the Department on or before the first day of the month in which such examination occurs. Proper completion of the application includes payment of fee; affidavit certifying completion of hours in schools; completion of term of apprentices and inclusion of the proper photographs, signed.

All applicants are expected to be present at the examination for which they have been regularly scheduled.

1. When an applicant qualifies for admission to a beauty culture operator's or manicurist's examination and is scheduled for an examination a temporary permit is issued which is valid until the results of the examination are available.
2. When an applicant scheduled for a beauty culture operator's or manicurist's examination fails to appear, but submits a valid reason for not appearing, or when an applicant fails in part of the examination, a second temporary permit will be issued and the applicant will be scheduled for the next examination without additional fee.
3. When an applicant scheduled for the first beauty culture operator's or manicurist's examination does not appear and does not submit a valid reason for not appearing, or when an applicant fails both parts of the first examination such applicant will be scheduled for the next examination without additional fee, but a second temporary permit will not be issued.

4. An applicant who fails to appear or pass the second examination will not be issued a temporary permit but will be scheduled for another examination upon the payment of the required fee.

All candidates for teacher's manager's, operator's, and manicurist's examinations must take all portions of their respective examination in order to qualify. Exceptions are made in the following case:

Men scheduled for operator's examination need not perform facials or manicuring. Women scheduled for operator's examination need not perform hair cutting.

Interpreters will not be provided for examinations.

III. SHOP OWNER'S REQUIREMENTS FOR CERTIFICATION

Before a Shop Owner's Certificate of Registration may be issued, the following requirements must be met:

- A. Satisfactory evidence that the applicant for the license has a proper moral and business status in the community.
- B. Proper location for the shop.
- C. Proper layout and equipment for the shop.
- D. Sanitary conditions in the shop and its surroundings.
- E. Provisions for adequate number of properly prepared and licensed workers.

Minimum Equipment for a Shop

One Adjustable Chair	One Dry Sterilizer
One Hair Dryer	One Wet Sterilizer
One Dresserette with Mirror	One Finger Wave Lotion Dispenser
Appointment Desk and Book	One Absorbent Cotton Container
One Manicuring Table	One Towel Cabinet
Manicuring Tools	One Waste Container (covered)
One Permanent Wave System (Machine or Machineless)	One Covered Container for Hair Pins
One Marcel Heater	One Neck Strip Dispenser
One Shampoo Tray	One Hamper for Soiled Linens (covered)
Six Combs	
Six Brushes	

An owner properly licensed as an operator may manage his own shop if he operates therein, otherwise it is necessary to employ a licensed manager. He must, however, be able to prove that he is the real owner, that he possesses title to the shop, and that its effects are in his name. Trade names, or fictitious names, must be registered with the Department of State before a license will be issued.

Every shop shall be at all times in charge of and under the immediate supervision of a licensed member of the profession.

Every establishment shall display at its main entrance, a sign or other marking, clearly visible at all times when the establishment is open, indicating that it is a beauty culture shop.

Every establishment must provide a suitable place, properly equipped to give adequate service to patrons, and subject to inspection at reasonable hours by the representatives of the Department.

When a beauty shop is conducted in a private home, the space set apart to be used as a beauty shop shall be used for no other purpose.

Since violation of these rules and regulations constitute a valid reason for possible revocation of license, all shops in which apprentices are prepared are responsible for instructing their students in the meaning and interpretation of the Beauty Culture Act as well as the rules and regulations drawn up by the Department for its enforcement.

IV. SHOP MANAGER'S RESPONSIBILITIES

The primary function of a shop manager shall be the administration of the business and personnel affairs of the shop and the enforcement within the shop of all rules and regulations enacted into law or promulgated by the Department. In this connection, it shall be of primary importance for managers to give especial attention to all sanitary requirements, for the breach of which the manager, together with the violator, shall be personally liable if he fails to correct the conditions or to report the same to the Department after trying to accomplish a correction.

The manager of a shop shall not be permitted to serve as a teacher in any school.

V. RULES AND REGULATIONS ON SANITATION FOR THE CONDUCT OF A BEAUTY SHOP

Every establishment, together with all furniture, equipment, tools, utensils, floors, walls and ceilings, shall be kept at all times in a clean and sanitary condition, well-lighted and ventilated. Partitions of booths shall be of such height as to permit free circulation of air. Each shop must be provided with running hot and cold water and adequate plumbing fixtures and must be provided with adequate toilet facilities, readily accessible, and kept in a sanitary condition. Electrical appliances must be installed properly and grounded.

Anyone having an infectious or contagious disease shall not practice in any establishment. Shop owners will be held responsible for knowingly permitting one with such disease to practice in his or her shop. No work shall be performed on any patron having a visible disease, unless the patron shall produce a certificate from a practicing physician, stating that

patron is free from infectious, contagious or communicable disease. A Beauty Culture License does not authorize an individual to treat or prescribe for any infectious or contagious disease.

No patron should be permitted to leave an establishment after receiving service unless her hair is reasonably dried. During a permanent wave operation, the operator must not leave the patron during the heating period. The use of cloth or paper bags on dryers is prohibited.

Persons practicing or teaching beauty culture must be attired in washable, coverall outer garments, which must be kept in a clean condition. Operators or manicurists must not carry combs or instruments in pockets. Every person employed in a beauty establishment shall thoroughly cleanse his or her hands with soap and water immediately before and after serving each patron. Clean towels shall be provided for wiping the operator's hands. Bowls, basins, shampoo boards, cups, and other containers must be thoroughly cleaned with soap and water after using, rinsed, dried, and kept clean and free from dust. Head rest covers must be changed after each service.

Linens, towels, and uniforms must be kept in a closed dust-proof container. Soiled linens must be kept in separate closed containers. Covered containers must be provided for waste tissues, cotton, lotions, and creams. Combs and brushes must be thoroughly disinfected each time they are used. Use of a common powder puff, sponge, neck duster, styptic pencil, drinking cup or glass, is prohibited. Any article or material which is used on more than one patron shall be kept from direct contact with the patron by the use of an individual paper neck band or clean towel. Use of the same neck band on more than one person is prohibited. A clean towel must be provided at the neck rest of each patron. Towels must not be used for more than one operation. Towels not sent to a steam laundry should be washed, boiled in water for 20 minutes, dried and ironed. Laundry work in a shop is prohibited. Drying of towels on lines or radiators in shops is prohibited. Dipping used towels into a hot water receptacle and using same on patrons is prohibited.

Permanent wave pads, strips or flannels, must not be used more than once. Finger waving fluid must be used from a type of container that will prevent contamination of the unused solution, and fluid used on one patron must not be used again. Styptics must be used only in liquid or powder form and applied by means of clean gauze or cotton. Creams and other semisolid substances must be dipped from the container with a sterile article or spatula. Removing such substances with the fingers is prohibited. The article used for removal of such substances must not be permitted to come in contact with the skin of the patron. Any article dropped on the floor or otherwise rendered unsanitary must not be used until it is sterilized.

A patch test must always be performed before using a hair dye. The test must be made on a skin area either behind the

ear or on the forearm. If no swelling, itching, redness, or other reaction occurs after twenty-four hours, the operator may proceed with the dyeing process.

Manicurists must cleanse instruments with soap and water and immerse in seventy per cent alcohol for at least ten minutes, or for an equally effective period of time in some other good sterilizing solution before using. The fluid should be kept in a covered container of such size as will accommodate the instruments. When not in use, dry instruments may be kept in a cabinet sterilizer. Manicurists must always have available grain alcohol, approximately seventy per cent (or some other equally effective antiseptic) to be used if the skin of a patron be broken during the manicure.

All methods of sterilization that are bacteriologically effective will be permitted and may be accomplished by use of one of the following approved solutions and methods:

- (a) Immersion in a closed container of ten per cent formalin for twenty to thirty minutes.

A ten per cent formalin solution may be prepared by adding one part commercial formalin to nine parts water, representing a four per cent solution of formaldehyde.

(This solution is especially good for combs, brushes, etc., but is slightly irritating to some skins. Articles so sterilized should be thoroughly rinsed in running water before use.)

- (b) Immersion in alcohol—about seventy per cent—for fifteen to twenty minutes. Alcohol is especially useful in sterilization of glass or metal articles that are not boilable and for instruments used in manicuring.

- (c) Immersion in other solutions, such as five per cent carbolic acid (phenol) for fifteen to twenty minutes or in a solution of bichloride of mercury 1:1,000 for fifteen to twenty minutes.

For convenience, druggists supply mercury tablets of seven and one half grains each. One tablet in one pint of water makes a 1:1,000 solution. (Mercurial solutions corrode metals, are poisonous, and should be kept away from children.)

Every shop shall have at least one air tight cabinet sterilizer, which must at all times contain a dish filled with forty per cent commercial formalin or other germicide. This type of sterilization requires about three hours, and is recommended for storage of instruments, combs, etc., previously sterilized by one of the above described methods. Nail buffers may be kept in this sterilizer. To prevent rusting, dry instruments before placing in sterilizer.

No space where Beauty Culture is practiced or taught shall be used for domestic or residential purposes.

NOTE: The same rules and regulations on sanitation apply to beauty Schools as to Beauty Shops.

VI. SERVICE BY APPOINTMENT REGULATIONS

After January 1, 1937, operators now or heretofore operating from house to house and all others contemplating operation outside a licensed shop shall comply with the following requirements:

- A. They shall prove to the Department that they are duly sponsored by a licensed shop in good standing and under competent management.
- B. The owner of the sponsoring shop shall fully supply and equip the operator who renders service outside the shop, or shall vouch for the adequacy of the supplies and equipment owned by the said operator.
- C. All appointments in homes and other places where beauty culture service is rendered outside the shop shall be booked and recorded by the shop the operator represents.
- D. The number of operators-by-appointment that any shop may sponsor shall be limited to a number not in excess of the number remaining in service in the shop. In other words, the total number of operators for any one shop (operators-in-shop plus operators-by-appointment) shall not be more than twice the number of booths in the shop.
- E. The manager of any shop sponsoring any operators-by-appointment shall be prepared at all times to make immediately available to investigators from the Department a complete schedule of appointments.
- F. The manager shall be held responsible for compliance with all sanitary regulations on the part of his operators-by-appointment.

VII. SCHOOLS OF BEAUTY CULTURE

A. REQUIREMENTS FOR LICENSURE

1. Preliminary Inspection. Before completing application for licensing, each proposed school shall be inspected by the Department for the purpose of determining:
 - a. Suitability of proposed location.
 - b. Suitability of proposed rooms, including plumbing, ventilation, lighting, and adequacy of floor space.
 - c. Approval of proposed lay-out.
 - d. Approval of proposed items of equipment.
 - e. Satisfactory evidence of business and moral responsibility of applicant for school license.
 - f. Satisfactory evidence of proper provisions for duly licensed teachers.

2. Careful verification of claims and representations set forth in the application.
3. Second Inspection. An inspection shall be made, after the equipment has been installed, before the school is permitted to begin operation.

B. EQUIPMENT REQUIREMENTS

The minimum requirement for a school of beauty culture enrolling fifteen students or less shall consist of at least the following items of equipment:

- 1 steamer (for scalp treatments) or wall plates
- 2 shampoo basins
- 2 shampoo boards
- 10 mirrors
- 15 block heads
- 15 curling heaters
- 1 blockboard
- 1 linen cabinet
- 2 wet sterilizers
- 2 dry sterilizers
- 1 permanent wave machine (combined spiral and croquinole or one of each type)
- 6 sanitary receptacles
- 4 facial chairs
- 5 drying units
- 1 therapeutic lamp (installed in such manner as to permit free use of operator's hand)
- 1 theory book for each student

Sufficient supplies of wave set, shampoo cream, hair dye, etc., as are essential for instruction; manicuring space for at least five students; charts on skin, bones, muscles, nerves, and circulatory system shall be available.

The proper placement of this equipment will require at least 1,000 square feet of floor space. In the event that the student body of any school becomes considerably enlarged, additional space and equipment may be required by the Department.

C. PERSONNEL REQUIREMENTS

1. **Owner.** No school shall be licensed until the Department has had ample opportunity to verify sworn statements as to the actual ownership. False statements submitted in this connection shall constitute sufficient grounds for cancellation of the school's license if detected after a license has been issued. The Department reserves the right to deny school licensure to any applicant who fails to present satisfactory evidence of business, professional, or personal integrity. No school

license will hereafter be issued until the real owner files with the Department a statement specifically designating the person who is authorized to accept service of legal notices and to transact all business negotiations in behalf of the school, including answers to citations for hearings and compliance with rulings issued by the Department. This statement shall bear a facsimile signature of the individual so authorized.

2. **Supervision.** An owner who possesses *proper* qualifications by preparation, experience, and teacher license, may supervise his own school; otherwise, he shall employ and place in charge of the actual operation of the school a responsible individual who possesses the following qualifications:
 - a. The holder of teacher's license for at least two years.
 - b. A verified record of two years of satisfactory experience in teaching and in the practice of a majority of branches of beauty culture in an established school or place of business.

The school shall be, at all times, in charge of and under the immediate supervision of a duly licensed teacher.

3. **Staff Physician.** Each school shall have attached to its staff a regularly licensed physician for consultation purposes.
4. **Teachers.** Each school shall meet the following requirements pertaining to teachers:
 - a. Each school shall employ as instructors only licensed teachers competent to impart instruction in the branches of beauty culture which they teach.
 - b. No individual shall be counted as a regular, part-time, or substitute teacher in any school unless his teacher's certificate is on display in said school.
 - c. Every school shall employ at least one full-time licensed teacher.
 - d. Each class taught for credit shall consist of not more than twenty-five (25) students per teacher.
 - e. No teacher in a school of beauty culture may devote any portion of her time to work in a beauty shop while the school is in session.
 - f. No manager of a beauty shop may serve as a teacher in a school of beauty culture.
 - g. Teachers, as well as students, must during school hours, be attired in washable, coverall outer garments, which must be kept in a clean condition. Teacher uniforms must be such as to distinguish teachers from students.

5. Students

- a. *Enrollment.* Whenever a student enrolls in any School of Beauty Culture, the school shall, on the day of said enrollment, transmit to the Department an application for a student permit, together with the required fee of \$1.00. No credit in hours shall be given a student for any period of time previous to the date of the postmark of the envelope in which the application is forwarded to the Department (except for entrance credits as defined hereafter). No student permit is required for students who do not need to earn credit hours in order to be eligible for the State examination.

The Department reserves the right to defer action on an application for a student permit for enrollment in a school of beauty culture until it has been determined whether the school of beauty culture is being operated in compliance with the beauty culture law and regulations thereunder.

When action on an application for a student permit is deferred, information indicating the reason therefor shall be furnished the student and the school of beauty culture where he wishes to enroll.

- b. *Entrance Credits and Transfers from Out-of-State Schools.* Whenever a student at the time of enrolling is entitled to credits previously earned, the school enrolling such student shall evaluate carefully these credits and submit to the Department two copies of the sworn certification of entrance credits. A mere statement that the applicant for a certificate of entrance credits has pursued work elsewhere than in the school requesting the Department's approval shall not be accepted as sufficient evidence. The statement must be accompanied by documentary evidence showing attendance at a given school, and, if possible, the number of hours attended and subjects pursued.

If and when the Department approves the entrance credits so certified, one copy of the certificate shall be returned to the school. The school shall preserve this copy for the permanent files of the school.

No certificate of entrance credits will be approved for any student who has pursued work in a school of beauty culture in this State since January 1, 1934, unless the school was registered at the time the work was done.

No certificate will be approved for a student who has pursued her work outside the State unless the work has been pursued in a school approved by this Department, or has been evaluated in the manner provided under (c) of this section.

- c. *Equivalent Education.* Graduates of Pennsylvania Schools of Beauty Culture not now registered with the Department, whose graduation occurred on or before July 1, 1934, may have this work evaluated by a school now registered with the Department and may pursue such additional work in a registered school as may be necessary to meet the requirements for graduation. The registered school that evaluates such work must furnish the Department with a sworn statement upon an official blank of "Equivalent Education," setting forth the number of hours for which credit is given, and such certification must be approved by the Department before the student may be enrolled. Graduates of out-of-state schools not approved by the Department may follow the same procedure, regardless of the date they graduated from such schools.
- d. *Transfer Credits.* A certificate of transfer must be completed in all cases where a student wishes to leave a registered school of beauty culture and transfer to another registered school of beauty culture. The school in which the student has completed a portion of her course of training must furnish the Department with a sworn statement upon an official blank of "Certificate of Transfer," setting forth the subjects and the number of hours of credit given in each, and such certification must be approved by the Department before the student may be enrolled in another school of beauty culture. All Certificates of Transfer must be submitted to the Department in duplicate.
- e. *Transfer of Classification.* In the event of a student transferring from one classification to another, such as day student to night student, the student immediately becomes subject to the hour and term requirements of his new classification. In addition, certification of such transfer must be made to the Department.
- f. *Courses.* Day school students may earn no more than seven hours per day—thirty-five hours per week when the school is operated on a five-day weekly schedule. If a school is operated on a six-day schedule, day school students are permitted to earn forty hours per week.

Night school students are permitted to earn four hours per night—twenty hours per week when the school is operated five nights per week. If the school is not operated five nights per week, the student should be given credit at the rate of four

hours per night if actually earned, for each night the student attended.

A combination day and night school course where partial employment prevents students from functioning as either day school students or night school students, is permitted. Permission may be granted to attend both provided, however, that no student may earn more than seven hours per day—thirty-five hours per week when the school is operated five days a week. If the school is operated six days a week, the student may earn forty hours per week.

On the monthly report of student hours, combination day and night school students are to be indicated by the letter "C."

Day school students, night school students, and combination day and night school students must complete one thousand (1,000) hours. Night school students must spend a minimum of one year in the school in order to qualify for examination: day school students and combination students must spend at least six (6) months in the school.

- g. *Attendance Reports.* Each school shall keep a daily record of the attendance of each student, and a record devoted to the different practices, and shall establish grades and hold examinations before issuing diplomas. The standard forms provided or approved by the Department shall be used in each school.

Not later than the fifth day of each month each school shall submit a report of the hours attended by each student upon the form "Monthly Report of Student Hours," provided by the Department for this purpose. A failure to comply with this requirement promptly may debar students for examination.

Time spent as an apprentice in a shop and as student in a school may not be combined to meet the one-thousand-hour requirement for graduation.

6. **Manicuring.** Licensed manicurists desiring to pursue additional hours to be eligible for operator's examinations may be credited with 125 hours, which may be applied to the number of hours required for the operator's course.
7. **Compensation for Student Work.** Any direct or indirect charge for Beauty Culture Service in a School of Beauty Culture is definitely forbidden by Section 7 of the Act. "Indirect Charges" are defined by the Department as follows:

Giving service free of charge on one or more of the steps involved in a beauty culture operation (such as hairdressing) and yet requiring a charge for any other step or portion of the service is an indirect charge. A permanent wave, for example, shall be considered as composed of the following steps: Shampooing, blocking, winding the hair, steaming, rinsing, setting into a finger wave, necessary trimming, and drying. If any one of the steps involved in this definition of a permanent wave is given free of charge, for clinical purpose, in a school of beauty culture, a shop operated by a school may not charge for any one of the remaining steps. Likewise, hair tinting shall be considered as consisting of shampooing, tinting, finger waving, and drying; and no shop is permitted to charge for one of these services after giving one or more of the other services free in a school under the same management or ownership. All necessary supplies shall be furnished by the school, free of charge.

Each of the practices involving charges designated as "indirect" is strictly prohibited. Violation of these regulations prohibiting compensation for student work, shall, at the discretion of the Department, be deemed sufficient reason for disqualifying the student from taking the State examination or for the Department's refusal to issue the usual temporary permit said pupil would otherwise be entitled to hold during the period after application for State examination and while awaiting announcement of the results of said examination. Such violations also shall be sufficient grounds for revocation or suspension of the school's license.

Each school shall display in a conspicuous place in and about the entrance to said school a sign in display lettering at least one inch in height as follows: "ALL WORK IN THIS SCHOOL DONE BY STUDENTS ONLY," and unless this sign also carries the words "NO CHARGES AND NO TIPS" other signs bearing these words shall be conspicuously posted.

D. GENERAL REGULATIONS PERTAINING TO SCHOOLS

1. **Advertising.** Each school shall advertise only under the designation of a school. A school and shop shall not in any form of advertising be so designated as to mislead the public in regard to prices or location.

Every beauty culture school shall display at its main entrance a sign or other marking, clearly visible at all times the establishment is open, indicating that it is a Beauty School.

2. **Authorized Signature.** A registered School of Beauty Culture must supply this Department with a facsimile

signature on white paper of the individual or individuals authorized by the owner of the said school to sign all official certificates of students for admission to examination. This signature should be filed immediately. (See also Section VII, C-1 of these regulations.)

3. **Daily Schedules.** The blank provided by the Department, "The Monthly Report of Student Hours," designates the suggested minimum number of hours which should be devoted to each portion of the school's program of studies. In making out these reports no student shall be credited for a total of more than seven hours per day or forty hours per week. Schools open only five days per week shall not credit their pupils for more than thirty-five hours per week.

Each school is required to post schedules showing week by week the schedule of classes in theory and in practical work. For each of these class periods the teacher in charge shall keep an accurate daily record of attendance and progress of each pupil. This record should be just as complete and accurate as the record of a secondary school teacher. In case of any dispute regarding attendance or work completed, this record should be as authentic as that of a time clock or other device by which the pupil keeps his own record.

No school will be regarded as having adequate records unless every teacher is keeping a careful record of enrollment, attendance, and progress of every pupil reporting to each of her classes, both in theory and in practical work.

4. **Duty Work.** The Department holds that all hours credited to a student should be devoted to the study of beauty culture. Therefore, duty work should not exceed a period of more than twenty (20) minutes per day of the student's instruction time. Duty work shall consist only of the tidying and cleaning naturally performed by any operator about her own booth at the conclusion of any beauty process. It shall not include menial work of a nature ordinarily performed by a maid, porter, or janitor.
5. **Curriculum.** Each school shall be required to have readily available at all times a complete file of all curriculum suggestions and requirements which have been issued by the Department until superseded by later issues. All curriculum requirements set up by the Department shall be strictly compiled with until rescinded or revised. It is expected that each school will supplement and enrich the minimum requirements specified by the Department.

6. **Safety Precautions.** Those in charge of the school should at all times be very vigilant to prevent accidents as well as infections. They should, therefore, observe with special diligence the following precautions:

- a. All electrical appliances must be properly installed and grounded.
- b. During permanent wave operation, the teacher should never leave the student and the patron during the heating period. After the student has given her fifth permanent wave, however, she may be left alone, provided the teacher remains within calling distance.
- c. Cloth or paper bags must never be used on dryers.
- d. Adhere strictly, at all times, to rigid requirements for sanitation and sterilization.
- e. Never treat or prescribe for any infectious or contagious disease of the skin.

7. **Service and Inspection.** Every establishment must provide a suitable place properly equipped to give adequate service to patrons, and subject to inspection at reasonable hours by the representatives of the Department.

VIII. PREPARATION BY APPRENTICESHIP METHOD

Section 10 of the Beauty Culture Act sets up the requirements which must be met in preparation for Beauty Culture by the apprenticeship method. In addition to the requirements enumerated in that Section of the Act, any one who employs the apprenticeship method of preparing operators shall be responsible for teaching his students the *minimum content* of the curriculum set up by the Department for Schools of Beauty Culture—both in the practical and in the theoretical work.

To qualify for apprentice training in a beauty shop, the applicant must apply to the Department to have his or her name registered with the Department and secure a permit upon the payment of a fee of one dollar (\$1.00) to practice as an apprentice; such permit shall be displayed in the shop where the apprentice is serving

IX. REGULATIONS OF A GENERAL NATURE

- A. Beauty bath and reducing treatments should not be included in the curriculum of Beauty Culture Schools and should not be given in beauty shops.
- B. The State Board of Medical Education and Licensure at its meeting held on December 2 and 3, 1937, passed the

following resolution relative to the use of Beauty Blankets in beauty parlors:

"That it is the opinion of the Board that the general use of so-called Beauty Blankets, which is in effect a method of Diaphoresis, as used in Beauty Parlors, may be done legally only by a licensed physician or a licensed physiotherapist."

- C. Since violation of these rules and regulations constitute a valid reason for possible revocation of license, all schools and all shops in which apprentices are prepared are responsible for instructing their students in the meaning and interpretation of the Beauty Culture Act as well as the rules and regulations drawn up by the Department.

X. DEMONSTRATORS

Any individual engaged in giving demonstrations of any Beauty Culture Service shall be required to have an operator's license if the demonstrations are made in shops, before public gatherings, or to those who are already holders of Beauty Culture Licenses.

Any individual engaged in giving demonstrations of any Beauty Culture service in any of the schools of this State shall be required to have a *teacher's* license.

XI. RENEWAL OF LICENSES

In accordance with the provision of the Act of May 25, 1937, P. L. 800, all Beauty Culture Licenses expire on January 31 of each year.

XII. THE BEAUTY CULTURE LAW

(Act of Pennsylvania Legislature, May 3, 1933, P. L. 242, as amended July 12, 1935, P. L. 677, May 3, 1945, P. L. 412, and May 18, 1945, P. L. 660) complete with amendments to date.

SECTION 1. DEFINITIONS

The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Section:

"Beauty Culture" includes any or all work done for compensation by any person, which work is generally and usually performed by so-called hairdressers, cosmetologists, cosmeticians, beauticians or beauty culturists, and however denominated in so-called hair-dressing and beauty shops ordinarily patronized by women, which work is for the embellishment, cleanliness, and beautification of the woman's hair, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising,

or similar work upon the scalp, face, arms, or hands, or the upper part of the body, by the use of mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions; or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term beauty culture but not in limitation thereof.

"Department" means the Department of Public Instruction of this Commonwealth.

SECTION 2. PRACTICE OF BEAUTY CULTURE WITHOUT REGISTRATION PROHIBITED

It shall be unlawful for any person to practice or teach beauty culture, or manage a beauty shop, or to use or maintain any place for the practice or teaching of beauty culture, for compensation, unless he or she shall have first obtained from the Department a certificate of registration as provided in this Act. Nothing contained in this Act, however, shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

SECTION 3. REQUIREMENTS TO PRACTICE

Before any person may practice or teach beauty culture or manage a beauty shop, such person shall file with the Department a written application for registration, accompanied by a health certificate, issued by a registered licensed physician of Pennsylvania, under oath, on a form which shall be prescribed and supplied by such Department, and shall deposit with the Department the registration fee, and pass an examination as to fitness to practice or teach beauty culture, or manage a beauty shop, as hereinafter provided in this Act.

SECTION 4. ELIGIBILITY REQUIREMENTS FOR EXAMINATION

No person shall be permitted by the Department to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training, as hereinafter provided in this Act, in a beauty school duly registered by the Department, or unless such person shall have been registered and served as an apprentice at least two years as hereinafter provided in this Act: Provided, however, That the Department may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish, to the satisfaction of the Department, that he or she has been an operator in the active practice of beauty culture for at least twenty-four months prior to the date of filing an application for admission to an examination. No person shall be permitted to take an examination for a certificate to teach beauty culture or act as manager of a beauty shop unless such person shall be at least eighteen years of age, and has had at least eighteen months' experience as an operator in a beauty shop or has had training in a duly registered school of beauty culture of fifteen hundred hours inclusive of the studies necessary to become an operator.

SECTION 5. MANICURING

A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this Act, except that the examination therefor may be limited to such practice only and the required schooling shall be not less than one month.

SECTION 6. REQUIREMENTS OF A SCHOOL OF BEAUTY CULTURE

No school of beauty culture shall be granted a certificate of registration unless it shall attach to its staff, as a consultant, a person licensed by this Commonwealth to practice medicine, and employ and maintain a sufficient number of competent teachers, registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum, shall keep a daily record of the attendance of each student, shall maintain regular class and instruction hours, shall establish grades and hold examinations before issuance of diplomas, and shall require a day school term of training of not less than one thousand hours within a period of not less than six consecutive months or a night school term of training for a period of not less than twelve consecutive months for a complete course, comprising all or a majority of the practices of cosmetology, as provided by this Act, and to include practical demonstrations and theoretical studies, and study in sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof. In no case shall there be less than one teacher to each twenty-five pupils.

NOTE—Act of July 1, 1937, P. L. 2560. made it necessary after July 1, 1938, to obtain from public school officials permission for pupils under seventeen years of age to be exempt from attendance at regular public or parochial schools.

SECTION 7. STUDENT PRACTICE UPON THE PUBLIC FOR PAY PROHIBITED

It shall be unlawful for any school of beauty culture to permit its students to practice beauty culture upon the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after having first been properly informed that the operator is a student. No school of beauty culture shall, directly or indirectly, charge any money whatsoever for treatment by its students or for materials used in such treatment.

SECTION 8. PRACTICE IN BEAUTY SHOPS ONLY

It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop: Provided, That a registered operator may furnish beauty culture treatments to persons in residences of such persons by appointment.

SECTION 9. EXCEPTIONS TO EXAMINATION REQUIREMENTS; PRESENT STUDENT AND APPRENTICES

Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture, under a certifi-

cate, license or permit, for not less than two years in another state, territory, or District of Columbia, or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this Act and is thus engaged in this Commonwealth at the time this Act goes into effect, may secure the certificate of registration required by this Act without an examination or compliance with other requirements as to age or education, provided such person shall make application to the Department for registration within ninety days after the effective date of this Act. Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases, and the registration fee required by this Act. Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this Act goes into effect shall receive credit for such time and studies without complying with the requirements of this Act as to age and preliminary education, provided such person shall make application to the Department for registration as a student or apprentice within three months after this Act goes into effect. Students upon graduating from registered schools of beauty culture, may apply for, and receive from the Department, a temporary permit to practice as an operator until the next regular examination held by the Department under the provisions of this Act.

SECTION 10. APPRENTICES IN BEAUTY SHOPS

Any cosmetologist, hairdresser, or cosmetician, who is a beauty shop owner, and who is a holder of a teacher's certificate, may instruct apprentices, provided that there shall be no less than two licensed operators for each apprentice in any shop, and provided such shop is not held out as a school of beauty culture. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the Department, and, if successful therein, shall be registered as operators. Registered apprentices, upon completion of their required term of apprenticeship, may apply for, and receive from the Department, a temporary permit to practice as an operator until the next regular examination.

SECTION 11. RULES BY DEPARTMENT

The Department shall prescribe reasonable rules for its conduct, and for the qualifications, registration and examination of applicants to practice or teach beauty culture, and for the registration of apprentices, teachers, students, and managers of beauty shops or schools of beauty culture, and for temporary licenses to be issued at the discretion of the Department, and generally for the conduct of persons, copartnerships, associations or corporations affected by this Act. Rules established by the Department shall be printed and supplied to applicants and license holders.

SECTION 12. EXAMINATIONS

If the Department finds that the applicant has submitted the credentials required by this Act for admission to examination, and has paid the registration fee required by this Act, the Department shall

admit such applicant to examination and shall issue a certificate of registration to practice as operator, manager, or teacher as the case may be to those successfully passing the required examinations, provided, that if the applicant fails to pass the examination he or she may be eligible to take the next examination without any additional fee. Every certificate of registration issued by the Department shall have attached securely thereto a photograph of the person to whom the same is issued, and where a certificate is issued in the name of a corporation it shall have attached thereto the photograph of the manager thereof. Such photographs shall be furnished by the applicant for registration and shall be of such size as the Department may require. The Department shall hold public examinations on the third Tuesday in January, April, July, and October in the cities of Philadelphia, Pittsburgh, Wilkes-Barre, Harrisburg, and Erie, at such hours as the Department shall prescribe. The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture, including ability to teach properly the various practices and theories of beauty culture.

SECTION 13. POWERS AND DUTIES OF DEPARTMENT

The Department shall have the power to refuse, revoke, or suspend licenses or certificates, upon due hearing, on proof of violation of any provisions of this Act, or the rules and regulations established by the Department under this Act, or for gross incompetency or dishonest or unethical practices, or for performing beauty culture work on Sunday, and shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire. Before any certificate shall be suspended or revoked for any of the reasons contained in this Section, the holder thereof shall have notice in writing of the charge or charges against him or her and shall, at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing before a duly authorized representative of the Department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose certificate of registration has been so suspended or revoked may on application to the Department, have the same reissued to him or her, upon satisfactory proof that the disqualification has ceased. Before the Department may institute any of the above proceedings, it shall send a notice in writing to the certificate holder of any alleged violation of this Act or rules thereunder together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated.

SECTION 14. SANITARY RULES

The Department shall prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases; and it shall be unlawful for the owner or manager

of any beauty shop or school of beauty culture to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of beauty culture.

SECTION 15. APPEAL FROM ACTIONS OF DEPARTMENT

An appeal may be taken from any actions of the Department to the Court of Common Pleas of Dauphin County. The judgment of the Common Pleas Court may be reviewed by the Superior Court on appeal.

SECTION 16. FEES

The registration fee for the issuance of a license, with or without examination, shall be as follows: Five dollars (\$5.00) for beauty shop owners, managers, and teachers; two dollars (\$2.00) for operators and manicurists; one dollar (\$1.00) for students or apprentices; and fifty dollars (\$50.00) for schools of beauty culture. Annual renewal fees shall be five dollars (\$5.00) for shop owners and managers and school instructors; two dollars (\$2.00) for operators and manicurists; and twenty-five dollars (\$25.00) for schools of beauty culture. The above fees for registration, examination, and certificate shall be paid in advance to the Department, and by it paid into the State Treasury through the Department of Revenue. In case a beauty shop owner changes the location of his or her shop, a new license must be secured. No additional registration fees shall be required for such new license.

SECTION 17. TO WHOM PROVISIONS IN THIS ACT SHALL NOT APPLY

Nothing in this Act shall prohibit service in case of emergency or domestic administration without compensation, nor service by persons authorized under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic, nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation. Nothing in this Act is intended to be inconsistent with the Act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred eighty-nine), entitled "An Act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools, and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties."

SECTION 18. DISPLAY OF CERTIFICATES

Every holder of a certificate granted by the said Department, as provided in this Act, shall display it in a conspicuous place in his or her principal office, place of business, or employment.

SECTION 19. DURATION AND RENEWAL OF CERTIFICATES OF REGISTRATION.

The certificates of registration issued in the year in which this Act goes into effect shall expire as of December thirty-first,* one thousand nine hundred and thirty-four. Thereafter certificates shall be issued for no longer than one year. All certificates shall expire on the thirty-first day of December next succeeding unless renewed for the next year. Certificates may be renewed by application made prior to the thirty-first day of December of each year, and the payment of the renewal fees provided in this Act.

* NOTE—Annual expiration date changed to January 31 by authority granted by Act of May 25, 1937, P. L. 800.

SECTION 20. PENALTIES

(a) Any person who shall practice or teach beauty culture, or act in any capacity wherein registration is required, without complying with this Act, shall upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and in default of the payment of such fine and costs shall be sentenced to imprisonment not exceeding thirty (30) days.

(b) Any operator, manager, teacher, student or apprentice who shall practice the occupation of beauty culture while knowingly suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100.00), or undergo an imprisonment not exceeding thirty (30) days, or both, at the discretion of the Court.

(c) Any operator, manager, teacher, student or apprentice who shall infect any person, or who shall impart any contagious or infectious disease, by reason of carelessness or negligence in the practice of such occupation, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00), or to undergo an imprisonment not exceeding six months, or both, at the discretion of the Court.

(d) All fines and penalties shall be paid to the Department and by it paid into the State Treasury through the Department of Revenue.

SECTION 21. EFFECT OF PARTIAL INVALIDITY OF ACT

Each Section of this Act, and every part of each Section, is hereby declared to be independent of every other, and the holding of any Section, or part thereof, to be void or ineffective for any cause shall not be deemed to affect any other Section, or part thereof.

SECTION 22. EFFECTIVE DATE

This Act shall become effective on the first day of January, one thousand nine hundred and thirty-four.

SECTION 23. REPEAL

All acts or parts of acts inconsistent with this Act are hereby repealed.

